



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

# HARVARD LAW REVIEW.

---

Published monthly, during the Academic Year, by Harvard Law Students.

---

SUBSCRIPTION PRICE, \$2.50 PER ANNUM. . . . . 35 CENTS PER NUMBER.

---

## *Editorial Board.*

JOSEPH P. COTTON, JR., *Editor-in-Chief.*

NORMAN B. BEECHER,  
WALLACE B. DONHAM,  
HENRY FLETCHER,  
ROY C. GASSER,  
FRANK E. HARKNESS,  
GARDNER K. HUDSON,  
SANFORD ROBINSON,  
DEAN SAGE, JR.,

BRUCE WYMAN, *Treasurer.*

ROBERT B. STONE,  
GRAHAM SUMNER,  
FREDERIC R. TAYLOR,  
EDWARD S. THURSTON,  
JOSEPH WARREN,  
BEEKMAN WINTHROP,  
CLEMENT B. WOOD,  
SYDNEY R. WRIGHTINGTON.

---

We print the following offer by request : —

## HILSE PRIZE.

The International Association for Comparative Jurisprudence and Economics (Berlin) offers the Hilse Prize of one thousand marks (foundation of Dr. Carl Hilse of Berlin) for the best work on the following subject : —

“The Legislation in regard to the Accident Liability of Railroads in the most Important Countries of Europe : its History and Economic Significance.”

(The situation in the United States of America may well be considered in connection with the above.) The competition takes place under the following conditions : —

1. Essays must be submitted before April 1st, 1901, to the first secretary of the Association Kammergerichtsrat, Dr. Kronecker, Berlin, W. Kurfurstendarnin 241.

2. The essays must be written in German, French, or English, and German manuscripts must be in Latin script. It is very desirable that the manuscripts be type-written.

3. The essays should not be signed with the name of the author, but should be marked with an inscription, and accompanied by a sealed envelope bearing the same inscription and containing the name and address of the author.

4. The committee of judges consists of the following members of the Association : Dr. jur. T. M. C. Asser, Staatsrat, The Hague ; Dr. Georg Eger, Regierungsrat, Berlin ; Dr. William Hewins, Director of the London School of Economics and Political Science, London ; Dr. Friedrich Meile, Professor of Law, Zurich.

In case one of the judges withdraws before the decision of award is rendered, the remaining judges shall, if need be, have power to elect a substitute. The committee of judges shall make rules governing its own procedure.

The announcement of the award shall be made, if possible, before April 1st, 1902. The amount of the prize may be divided among two or more essays if these appear of essentially equal value. The prize essay may be published by the Association.

The publication of a work submitted, or of any part thereof, before the prize is awarded, excludes the work from the competition or further consideration by the judges.

The committee of judges shall open only that one of the sealed envelopes, sent in with the manuscripts, which corresponds to the winning essay. The unsuccessful manuscripts must be recalled by the authors within one year after the announcement of the award: otherwise they become the property of the International Association, which may then either publish them anonymously, or destroy them. In case the return of a manuscript is demanded, and the right to the same of the person making the demand is not sufficiently clear otherwise, the accompanying sealed envelope may be opened for identification.

It is permissible to each competitor, at the time when the manuscript is submitted, to give an address to which it shall be returned within the stipulated time. The property in the essay which receives the prize, especially the right of translation and publication, passes with the payment of the amount of the prize to the Berlin International Association for Comparative Jurisprudence and Economics.

---

THE CONSTITUTION AND HAWAII. — Two recent cases before the Supreme Court of the Hawaiian Islands decide, in effect, that the Constitution of the United States is not to-day in force in Hawaii. The report of both cases may be found in "The Pacific Commercial Advertiser" (Honolulu) of June 10, 1899. In the first, *Peacock v. Hawaii*, it was held that the custom duties of Hawaii in force before annexation could be collected, in spite of Article I. §§ 8 and 9, of the Constitution; in the second, *Hawaii v. Edwards*, that a felon may be convicted, as permitted by the Hawaiian statutes, by nine jurors and without a petit jury, in spite of the fifth and sixth amendments to the Constitution. The course of reasoning of the court may be summarized as follows: The Constitution was not extended to Hawaii by the Joint Resolution of annexation. Whether or not the Constitution is ultimately applicable to it *ex proprio vigore* it does not necessarily apply immediately on acquisition. The power to acquire territory carries with it, as a necessary incident, the power to continue in force the laws of the territory acquired during a transition period before complete incorporation into the United States. Such an incident is practically a necessary one, without which the power to make acquisition may often be crippled — and it cannot be assumed that the Constitution intended such a result. Further, this temporary period has not, in the present cases, extended beyond a reasonable time — and even if it had, the question would be a political one with which the courts would have nothing to do. The opinions suggest a slightly different form of argument which presents their view perhaps more plausibly. If the United States should, by treaty, acquire territory on the express condition that